

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOSTON GLOBAL CONSTRUCTION COMPANY,

Plaintiff,

v.

FAISAL RAHIM,

Defendant.

Case No.: 4:22-cv-05855-YGR

**ORDER TO SHOW CAUSE REGARDING
PARTIES' CROSS MOTIONS FOR SUMMARY
JUDGMENT**


In this case, plaintiff pursues a single cause of action under the Declaratory Judgment Act.

In *City of Reno v. Netflix*, the Ninth Circuit clarified the limited reach of the Declaratory Judgment Act where there is no separate cause of action. 52 F.4th 874, 879 (9th Cir. 2022). There, the court held that a potential plaintiff may not rely on the Act “to obtain affirmative relief where no cause of action otherwise exists.” *Id.* A potential defendant, however, “may preempt a suit by a potential plaintiff . . . [by] seek[ing] a declaration that the potential plaintiff's claim would fail.” *Id.* at 879.

The parties are hereby **ORDERED TO SHOW CAUSE** why the Ninth Circuit's holding in *City of Reno* is not dispositive of the instant case. The parties must each file a written brief on the issue by no later than **Wednesday, April 9, 2025 at 5:00 p.m.** Each brief may not exceed **four pages**. After reviewing the submissions, the Court will decide whether or not to keep the April 15, 2025 hearing on the parties' motions for summary judgment on calendar.

IT IS SO ORDERED.

Date: April 4, 2025


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE